



PUBLIC NOTICE

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DA 09-1825

Released: August 17, 2009

**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON
REGION 6 (NORTHERN CALIFORNIA) 800 MHz REGIONAL PLANNING COMMITTEES'
NON-STREAMLINED AMENDMENT TO REFLECT 800 MHz BAND RECONFIGURATION
IN THE 806-809/851-854 MHz BAND**

WT Docket No. 02-55 and Gen. Docket No. 90-287

Comments Due: September 8, 2009

Reply Comments Due: September 18, 2009

Introduction. The *800 MHz Report and Order* and subsequent orders in WT Docket No. 02-55 provide for reconfiguration of the 800 MHz band in order to eliminate harmful interference to public safety operations within the band.¹ As part of band reconfiguration, in all non-border areas, the former National Public Safety Planning Advisory Committee (NPSPAC) band at 821-824/866-869 MHz has shifted fifteen megahertz lower in the band to 806-809/851-854 MHz, and NPSPAC incumbents are in the process of relocating from the old to the new band. As a consequence of 800 MHz band reconfiguration, all non-border 800 MHz Regional Planning Committees (RPCs)² are required to amend their regional plans currently on file with the Commission to reflect the fifteen-megahertz shift in the NPSPAC band from 821-824/866-869 MHz to 806-809/851-854 MHz.

The Commission's policies require the RPCs to prepare and submit regional plans for use of the NPSPAC band in their respective Public Safety Regions.³ The RPCs must also update their regional plans as needed to conform to changes in the nationwide NPSPAC band plan, and to reflect other

¹ See *Improving Public Safety Communications in the 800 MHz Band, Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order*, 19 FCC Rcd 14969 (2004) (*800 MHz Report and Order*).

² RPCs for all NPSPAC regions in Waves 1, 2, and 3, other than Region 19 (New England), must file amendments. NPSPAC Region 19 and all NPSPAC regions in Wave 4 are excluded from this requirement, and RPCs for these regions are not required to submit amended plans at this time. We will provide information on the plan amendment process for these regions at a later date, after the 800 MHz Transition Administrator determines replacement channel assignments for NPSPAC licensees in the U.S. - Canada and U.S. - Mexico border areas.

³ See 47 C.F.R. § 90.16 (no assignments will be made in spectrum designated for the Public Safety National Plan until a regional plan for the area has been accepted by the Commission); see also *Development and Implementation of a Public Safety National Plan and Amendment of Part 90 to Establish Service Rules and Technical Standards for Use of the 821-824/866-869 MHz Bands by the Public Safety Services*, Gen. Docket No. 87-112, *Report and Order*, 3 FCC Rcd 905 (1987) (*National Plan Report and Order*).

changes in the disposition of NPSPAC channels within the region, technical requirements, or procedures for assigning channels.⁴

On February 10, 2009, the Bureau directed RPCs for non-border NPSPAC regions to file amendments to their 800 MHz regional plans by April 13, 2009, to bring them into conformity with the new 800 MHz band plan.⁵ Plan amendments were subject to a streamlined filing and approval procedure provided that they were limited to changes in frequency listings based on the new band plan. Alternatively, RPCs could elect to file amended regional plans by June 10, 2009, that combined rebanding-related changes with other modifications that were not rebanding-related, provided that they notified the Bureau by April 13, 2009 of their intent to do so.

Review of the Streamlined and Non-Streamlined Plan Amendments. Streamlined Regional Plan Amendments are limited to shifting channel assignments in the existing plan downward by fifteen megahertz. RPCs were allowed to submit such amendments without obtaining adjacent region concurrence, and were permitted to include administrative updates (*e.g.*, changes to RPC by-laws or membership) in their amendments under this process. The Bureau waived normal public notice and comment procedures for processing the streamlined amendments.

Non-Streamlined Regional Plan Amendments include other substantive modifications to regional plans, *e.g.*, changes to channel allocations within the region, technical parameters, or procedures for assigning channels. RPCs are required to obtain adjacent region concurrence to support such plan amendments prior to filing. After initial review, the Bureau will place non-streamlined amendments on public notice for comment prior to approval.

Region 6 Non-Streamlined Plan Amendment. On April 15, 2009, the Region 6 (Northern California)⁶ 800 MHz NPSPAC Regional Planning Committee submitted a proposed Non-Streamlined Plan Amendment for review and approval.⁷ In addition to changes to the channel allocations,⁸ the Non-Streamlined Amendment includes the following modifications:

- Re-packs the allotted and licensed channels, based on an engineering study using data from all existing licensees, to provide every licensee, at a minimum, with the same number of channels and equal coverage as currently licensed, resulting in

⁴ See *National Plan Report and Order*, 3 FCC Rcd at 911 ¶57.

⁵ See Public Safety and Homeland Security Bureau Provides Guidance on Amendment of 800 MHz Plans to Reflect 800 MHz Reconfiguration and on Licensing of New NPSPAC Facilities in the 806-809/851-854 MHz Band, WT Docket No. 02-55, *Public Notice*, 24 FCC Rcd 1364 (PSHSB 2009).

⁶ The Region 6 (Northern California) 800 MHz NPSPAC regional planning area includes forty-eight (48) counties in the state of California situated north of the northernmost borders of San Luis Obispo, Kern, and San Bernardino counties.

⁷ See Letter from Art McDole, Chair, Region 6 (Northern California) NPSPAC Regional Planning Committee, to Federal Communications Commission, WT Docket No. 02-55, Gen. Docket No. 90-287 (filed Apr. 15, 2009) (submitting Notification Letter); *see also*, Letter from Art McDole, Chair, Region 6 (Northern California) NPSPAC Regional Planning Committee, to Federal Communications Commission, Gen. Docket No. 90-287 (filed April 22, 2009) (submitting Non-Streamlined Plan Amendment).

⁸ See Non-Streamlined Plan Amendment, Attachment B – Region 6 Table of Channels (listing all existing licensees and available channels).

sufficient channels to build a new trunked system for one county, provide additional channels to expand existing systems, and to improve interoperability throughout the Region and State of California.⁹

- Creates a new regional procedure for use of the interoperability channels, with a coordinated process between the RPC and the California Emergency Management Agency (CalEMA).¹⁰
- Modifies Plan, Section 4.3 Interoperability Channels and Usage Covered by this Plan, by revising the channel names to reflect a new nomenclature.¹¹
- Provides a current list of members actively involved in the development and acceptance of the full modification of the Region 6 Plan.¹²

Furthermore, Region 6 provided evidence of coordination with its three adjacent regions: Region 5 (Southern California), Region 27 (Nevada), and Region 35 (Oregon).¹³

Interested parties may file comments on the Non-Streamlined Plan Amendment on or before **September 8, 2009**. Parties interested in submitting reply comments must do so on or before **September 18, 2009**. All comments and reply comments should reference the subject plan amendment and **Gen. Docket No. 90-287** and **WT Docket No. 02-55**. Comments and reply comments may be filed by using (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

- Electronic Filers: Comments and reply comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS Filers: In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an email to ecfs@fcc.gov and include the following words in the

⁹ See Letter from Art McDole, Chair, Region 6 (Northern California) NPSPAC Regional Planning Committee, to Federal Communications Commission, Gen. Docket No. 90-287 at 1-2 (summarizing modifications to the Region 6 Plan) (filed April 22, 2009).

¹⁰ See Non-Streamlined Plan Amendment, Section 4.1.1 Licensing Procedures at 11-12.

¹¹ See Non-Streamlined Plan Amendment, Section 4.3 – Interoperability Channels and Usage Covered by This Plan at 13 (all channels are used primarily for coordination of activities between agencies in mutual aid, or emergencies requiring interoperability); *see also*, Non-Streamlined Plan Amendment, Section 4.3.2 – Implementation Plan at 14 (requiring eligible users in each county to develop an implementation plan for their area; all requests for licensing on any mutual aid channel must comport with an existing county/area implementation plan).

¹² See Non-Streamlined Plan Amendment, Attachment A – Membership of the Review and Revision Committee.

¹³ See Non-Streamlined Plan Amendment, Attachment C – Support Letters from Adjacent Regions (providing letters of concurrence from adjacent regions).

body of the message: “get form.” A sample form and directions will be sent in response.

- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to: Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission’s contractor will receive hand-delivered or messenger-delivered paper filings for the Commission’s Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.
- People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

All filings must be addressed to the Commission’s Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, D.C. 20554. Parties must also serve one copy with the Commission’s copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via email to fcc@bcpiweb.com.

The Non-Streamlined Plan Amendment is available through ECFS at ecfs@fcc.gov. Region 6 Non-Streamlined Plan Amendment documents in **WT Docket No. 02-55** and **Gen. Docket No. 90-287** are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. SW, Room CY-A257, Washington, D.C. 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, email fcc@bcpiweb.com.

For further information regarding this matter, contact Jeannie Benfaida, Policy Division, Public Safety and Homeland Security Bureau at (202) 418-2313 or Jeannie.Benfaida@fcc.gov.

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